

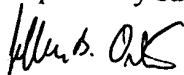
single species within the claimed genus of compounds in claim 1 provided in product-by-process format, and the same species elected for the claimed process of claim 11, the same species as the key active for the claimed anti-friction supplement of claim 20, and the same species as the key active agent in the claimed crankcase oil formulation of claim 28. The present inventive compound is described by the process used to make it and it involves three starting materials in a two-step reaction. The first reaction utilizes a first moiety and a second moiety to form an intermediate compound, wherein the intermediate is later reacted with a third moiety to form the claimed inventive compound. There are also two pending patent applications (the other is USSN 09/234,019) claiming essentially the same subject matter and subject to an identical species election. Therefore, together, both patent applications should cover all of the subject matter presented in the patent applications.

For this patent application, applicants elect trimethylol propane trioleate (TMO-TO) as the first moiety, maleic anhydride as the second moiety, and sorbitol as the third moiety. Applicants do not believe a traversal is required because this is a species election and not a restriction requirement. Thus, there is no issue of separate patentability. Instead, there is a genus of compounds disclosed and claimed and the species elected is to facilitate the examination process but not to limit the process. Once the present species elected is free of any prior art, the Examiner is required to expand the search to either another species or to the entire genus.

It should be noted that a catalyst for the second reaction step need not be elected as this affects the process but not the claimed compound. Hydrophosphorous acid was used in the exemplified process but the claimed invention is not limited to this one catalyst.

In summary, applicants respectfully request examination of pending claims 1-35 and examination of the entire genus. Applicants would prefer not to drag on the examination process in a slow species-by-species procedure.

Respectfully submitted,



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